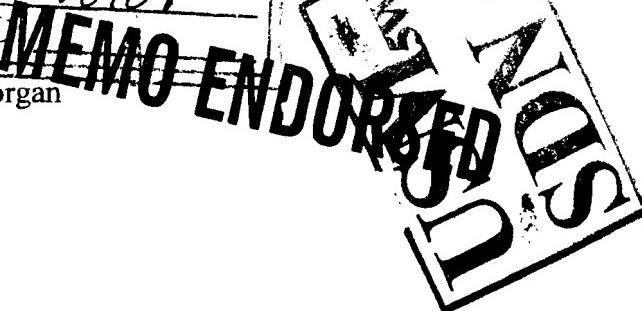


USDC SDNY  
DOCUMENTELECTRONICALLY FILED  
DOC #: 2-18109  
DATE FILED:

Kenneth R. Silverman, Esq.  
 Attorney for Defendants Keya Morgan  
 and Keya Gallery  
 32 Middagh Street, #16  
 Brooklyn, NY 11201  
 (718) 852-3082 - Phone and Fax



By Hand:

United States District Judge Berman/Magistrate Judge FOX

United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

Re: Pete Livingston v. Keya Morgan a/k/a Keyarash Mazhari a/k/a Keya Mazhari, Keya Gallery, Case Number 07 CV 7835 (RMB) (KNF) - Request for an extension of time to respond to the Complaint in this action.

*Defence counsel is granted a 20 day extension to answer (or move pursuant to the Court's individual rules).*

SO ORDERED:  
 Date: 2/7/08

*Richard A. Berman*  
 Richard M. Berman, U.S.D.J.

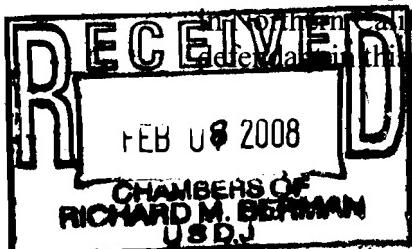
February 7, 2007

Dear Judge Berman/Magistrate Judge Fox:

I have just been retained by the defendants in this action, Keya Morgan and Keya Morgan Gallery. As the deadline to respond to the Complaint is fast approaching, (February 11), and I am unable at this immediate time to begin preparing a defense due to other cases, I am asking the Court for an extension of the deadline. No previous requests have been made. Opposing counsel does not consent, as his client did not give him permission to do so.

Additionally, although I have not yet had time to fully review this matter, I have been informed that there is ongoing motion practice concerning an Order of Dismissal of an identical action in Northern California District Court, and a Hearing Date is scheduled for March 14, 2008 before Judge Maxine Chesney (Case Number 06-02389 MMC). The Docket report in the Northern District of California confirms that the Motion is indeed scheduled (Report attached).

In the California action, defendant's attorney has made a motion to set aside a Corrected Order of Dismissal. If that motion is successful, then I gather this case would become moot, as the prior Order dismissed the case against all defendants with prejudice. Thus it would seem logical to postpone this deadline until the above discussed motion is resolved in the Northern California District Court. Moreover, the potential defenses and motion(s) the defendant in this action will likely seek are very much affected by the outcome of the



pending motion. It also seems that a potential issue is raised regarding whether it was proper for plaintiff to begin an identical action in New York while a case in California was ongoing.

For all of the foregoing, Defendant requests that defendant's response to the Complaint in this Action be extended until twenty (20) days after the pending motion in Northern California District Court is decided, or whatever time period the Court deems just and proper.

Yours truly,



Kenneth R. Silverman  
Attorney for Defendants  
Keya Morgan and Keya  
Gallery

cc: Steven Ward Williams, Esq.  
Attorney for Plaintiff  
Smith, Sovik, Kendrick & Sugnet, P.C.  
250 South Clinton Street  
Syracuse, NY 13202  
By Mail